

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No. 18853 OF 2003

Date:07.07.2006

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BETWEEN:

J.K. Constructions, rep. By its Managing Partner,
J. Radha Krishna Reddy

.... PETITIONER

And

1. The Government of Andhra Pradesh, rep. By its Secretary,
Irrigation & CAD Department, Secretariat, Hyderabad, and
others.

.... RESPONDENTS

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ORDER:

This writ petition is filed for issuance of Writ of Mandamus declaring the Memo No.30018/SRSP-II(2)/2002-1, dated 21.9.2002 of the first respondent, and the consequential letter of the third respondent in letter No.EE SRBC 2/PNM/689 M, dated 25.8.2003 as arbitrary and illegal, and consequently direct the respondents to pay the final bill to the petitioner as per the agreement rates in respect of the work pertaining to agreement No.4SE/98-99, NCB dated 18.5.1998.

It is stated that after filing of writ petition, the Government has issued a Memo No.40131/F 8(2)/2004 dated 17.4.2004, which reads as under.

In the light of above, the matter of adoption of rates for Earth Work Excavation by machinery is examined, and after careful examination of the matter, Government order that in respect of the Agreements already concluded earlier to issue of orders 1st and 2nd cited respectively, payments for earth work excavation are to be regulated as per agreement rates to avoid any legal complications. However, it is to be clarified that in case of work awarded on nomination basis it is essential that the rates are revised with reference to those ordered by Government by way of entering into supplement agreement and payment regulated accordingly.

In respect of the estimates sanctioned and agreements concluded after the issue of

the machine rates in the reference 1st and 2nd
cited, the payments should be with machinery
rates only.

Now the learned counsel for the petitioner submits that in
pursuance of the above Memo, the Government has already paid
the final bill amount due to the petitioner, and therefore, nothing
remains for adjudication.

Recording the same, the Writ Petition is closed. No costs.

(C.V. Ramulu, J.)

7th July, 2006
Js.